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Minutes of the Regular Meeting
of the
San Luis Obispo County Planning Commission
Thursday, December 8, 2006

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Minutes of the Regular Session of the County Planning Commission held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA, at 8:45 a.m.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of December 8, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

PRESENT: Commissioners Bruce Gibson, Penny Rappa, Sarah Christie, Eugene Mehlschau, and Chairman Bob Roos

ABSENT: None

The meeting is called to order by Chairman Roos.

PUBLIC COMMENT	No one coming forward.
PLANNING STAFF UPDATES	
Warren Hoag, staff	Confirms Planning Commission (PC) retreat is scheduled for January 13, 2006. States John Hand will be retiring at the end of December and there will be a resolution honoring him at the next Board of Supervisors (BOS) meeting.
Chairman Roos	Discusses travel reimbursements and requests a handout giving instructions for the Planning Commissioner's to follow.
Richard Marshall, Public Works	States Mike Goodwin will be retiring and advises the chair there will be a replacement soon.
Commissioners and staff	Discuss recent decisions on appeals by the BOS, and upcoming appeals to the BOS.
CONSENT AGENDA	
PUBLIC TESTIMONY	No one coming forward.
MOTION	Thereafter on motion by Commissioner Rappa. seconded by Commissioner

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	<p>Mehlschau, and unanimously carried, the Consent Agenda is approved as follows:</p> <p>a. Determination of conformity with the General Plan for the abandonment of the 6th St. right of way, 80 feet west of Park St. The project is located at the northern end of 6th Street as it intersects with Park Ave. in the Cayucos urban area of the Estero planning area.</p> <p>b. Determination of conformity with the General Plan for the abandonment of a portion of Mission Street, 17th St. and 18th St. The project is located within the urban area of San Miguel in the Salinas Planning Area.</p>
1. UNOCAL CORPORATION / D890558D	<p>This being the time set for hearing to consider a request by UNOCAL CORPORATION to approve the Wetland Restoration and Mitigation Plan as required by Condition 67 of Coastal Development Permit/Development Permit (D890558D). The County of San Luis Obispo issued Permit D890558D in 1998 after preparation and certification of an EIR that evaluated site-wide remediation and restoration at the Guadalupe Field. Condition 67 requires that the applicant submit and obtain approval for the Wetland Restoration and Mitigation Plan from the San Luis Obispo County Planning Commission prior to beginning any excavation activities at wetland sites. The applicant is required by the Regional Water Quality Control Board (REQCB) (CAO 98-38) to conduct excavations at 12 sites that contain wetlands. For each of these sites, Unocal is required by Condition 67 to develop a site-specific wetland restoration and mitigation plan. Approximately 8.74 acres of wetlands will be disturbed by the excavation activities. The applicant is proposing to restore approximately 28 acres of wetlands on site in order to meet the 4 to 1 ratio required by Condition 67. The proposed project is within the Rural Lands and Recreation land use categories and is located at 2184 West Thornberry Road, throughout various locations within the 3,000-acre oil field, within the Nipomo Dunes System, and approximately 3 miles west of the City of Guadalupe. A majority of the site is located in the southwest corner of San Luis Obispo County with a small portion extending into the northern portion of Santa Barbara County. The site is in the South County (Coastal) Planning Area. APN's: 092-041-001, 092-041-003 – 006, and 092-051-002. Supervisorial District #4. County File No. D890558D. Date Accepted: July 1, 1990.</p>
John Nall, staff	<p>Presents Planning Commissioners with information regarding this extensive project. Introduces consultants.</p>
Chairman Roos	<p>Requests documents that were distributed be summarized with staff responding</p>
Bill Henry, Morro Group	<p>Notes corrections on agenda regarding size of wetlands to be restored. Power Point presentation given to outline history and timeline of project, and Condition F67.</p>
John Pierceson.	<p>Indicates how the wetlands restoration was put together using a Power Point presentation. Discusses restoration working group members. proposed</p>

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MRS	wetland restorations, wetland restoration sites, wetland restoration and mitigation plan summary, additional agency comments on wetlands restoration mitigation plan (WRMP), proposed changes to WRMP, resource agency approval of WRMP letters of approval or acceptance.
Commissioner Mehlschau	Requests clarification on fallback contingency program with Mr. Pierceson responding as to criteria used.
Bill Henry, Morro Group, and Commissioners	Discuss mitigations that affect level of ground water table.
Commissioner Gibson	States he is impressed with all agencies involved in their coordination efforts of this project. Requests clarification on whether there is a requirement that a certain portion of open water be maintained with Mr. Pierceson responding with areas of open water that have been created.
Commissioner Christie	Gives accommodations to all agencies involved in the coordination efforts. Requests clarification regarding Pg. 51 of Vol. 1 regarding survey completion. Requests what the definition of "vegetative overburden" is. Requests clarification on identification of any easements involved.
John Pierceson, MRS	Clarifies final details of construction and what "vegetative overburden" means.
Gonzalo Garcia, Unocal	Clarifies process of offered easements, and acceptance thereof. States Unocal will own the site and discusses joint management of easements
Chairman Roos	Discusses offers of dedication of easements, development of roads, ownership of site, meaning of disturbance to site and contamination of soil of wetlands. Requests clarification of what the process is for restoration of a wetland with Mr. Pierceson responding.
Gonzalo Garcia, Unocal	States Unocal is prepared to begin restoration and confident of the success of this project.
Chairman Roos	Requests clarification on traffic mitigation regarding the trucking of material being removed with Mr. Pierceson responding.
John Nall, staff	States there are several agencies in the audience available for questioning by the Planning Commission regarding this project.
MOTION	Thereafter on motion by Commissioner Christie, seconded by Commissioner Mehlschau, and unanimously carried to approve the Wetland Restoration and Mitigation Plan as required by Condition 67 of Coastal Development Permit/Development Permit D890558D.
2. WOODLANDS VENTURES	This being the time set for hearing to consider a request by WOODLANDS VENTURES LLC for a vesting tentative Tract Map (Tract 2759) / Conditional Use Permit to construct an 80-unit multi-family condominium project that

LLC / SUB2004- 00384	includes 20 moderate income units. The proposed project is part of the Phase 1A development of the Woodlands Village. The proposed project is within the Recreation land use category and is located on the south side of Via Concha approximately 0.4 mile east of Highway 1 near the Woodland's village center. The site is in the South County (inland) planning area. The Environmental Coordinator finds that the previously certified Final Environmental Impact Report (FEIR) is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previously certified FEIR, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR, and no new information of substantial importance has been identified which was not known at the time that the previous FEIR was certified. County File No:SUB2004-00384. Assessor Parcel Number:091-221-001. Supervisorial District 4.Date Accepted: July 1, 2005.
Jay Johnson, staff	Provides a brief history of the Woodlands project. Presents Power Point presentation of project.
Commissioner Mehlschau	Requests clarification regarding common area and parking lots.
Jay Johnson, staff	Clarifies that four parking spaces will be taken away and the green area will be enlarged. Clarifies ordinance specifications regarding criteria to establish initial sales prices of units
Commissioner Rappa	Requests clarification on ordinance 22-12-070 regarding the criteria used for establishing the affordability component and what our land use ordinance is
Jim Orton, County Counsel	Clarifies criteria regarding prices to be adjusted 120% of median, around 290, or 300,000 for a two bedroom. Requests clarification on Page. 2 regarding number of affordable units,
Warren Hoag, staff	Provides PC with the 2004 amounts of income levels for median - 315,255 as of 2004
Richard Marshall, PW	Discusses negotiations regarding building permit fees.
Chairman Roos	Clarifies building permit process and fees.
Commissioner Christie	Requests clarification regarding rentals vs. condominiums and concept of individual ownership. Discusses conditions regarding protections to butterfly habitat.
Commissioner Gibson	Discusses Page. 2-15 item 19 and requests clarification on who is responsible for maintenance of areas, details regarding prohibition of BBQs, 43% site coverage of buildings, locations of units' front doors, increased density of units, affordability of units, and Right to Farm ordinance.
Jim Orton.	Suggests language addition for Item 19 under CC&R's.

County Counsel	
Warren Hoag, staff	Discusses current standards of home affordability and presented Planning Commissioners with handout of such.
Brad Brickwald, Wallace Group	Applicant. Introduces people involved in project. Discusses history of project, location of project, clustering of buildings in project, and address comments made by Commissioners.
Commissioner Rappa, and applicant	Confirms units are all three bedroom with deed restrictions.
Chairman Roos, and applicant	Discusses tree removal, water levels and insurance for condominiums
Jim Laloggia , Woodlands Ventures	Clarifies insurance coverage
Lenny Graham, LJ architecture	Discusses obtaining insurance and fees associated.
Commissioner Gibson	Discloses conversation had with Mr. Graham
MOTION	Thereafter on motion by Commissioner Christie, seconded by Chairman Mehlschau, and unanimously carried, and RESOLUTION NO. 2006-066 & 067 to grant Vesting Tentative Tract Map 2759 and Condition use Permit to WOODLANDS VENTURES LLC for the above referenced project based on the Findings in Exhibits A and C, and subject to the Conditions in Exhibits B and D with the following revisions: Condition 6, letter c. to read: Sign locations per condition number 30. Condition 30 added to read: Per condition number 15a the ban on pesticides shall be posted within the project site. Condition 19 revised to read: The developer shall establish a homeowners' association and shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. Adopted
3. KENGLE/ S980005T	This being the time set for hearing to consider a proposal by WILLIAM G. KENGLE for reconsideration of the Planning Commission's decision approving Vesting Tentative Tract Map 2299 including allowing a retaining wall / fence height of one foot for Lot 11, two feet for Lot 12 and three feet for Lot 13. The applicant is requesting approval of a continuous four-foot tall concrete retaining wall along the rear property lines of Lots 11, 12 and 13, with a six foot tall wooden fence on top of the concrete wall. The applicant has already constructed the subject wall in excess of the allowable heights of approved by the Planning Commission on July 8, 2004. and is seeking

	approval of the wall as it exists now. This project is exempt under CEQA. County File Number: S980005T . Assessor Parcel Number: 092-573-001. Supervisorial District: 4. Date Accepted: October 24, 2005.
Commissioner Mehlschau	Discloses a meeting he had with the applicant
Chuck Stevenson, staff	Presents staff report. Uses graphics to depict wall, and fences built with associated views. Discusses revised conditions handed out.
Chairman Roos	States he had a telephone conversation with applicant.
Commissioner Mehlschau	Discusses his meeting with applicant Mr. Kengle.
Chairman Roos	Requests clarification on who will maintain/water vines and trees, where water will come from and
William Kengle, applicant	Provides documentation and discusses original construction application permit, letter from Cummings family regarding view dated 7/2/03, letter from Case family requesting 4' high wall, NCAC letter, Public Works letter, and states provisions of maintenance will be done by the assessment district.
Richard Marshall Public Works	Public Works will review documents upon approved of a construction permit by the planning commission.
Lonnie Case	States his satisfaction with the wall and will maintain vines and is in support of reconsideration.
Commissioner Mehlschau	Discusses revised conditions and gives suggested language for such.
Commissioner Christie	Discusses her concerns regarding process of project and violations. Will not support motion.
MOTION	Thereafter on motion by Commissioner Mehlschau, seconded by Commissioner Rappa, and RESOLUTION NO. 2006-068 with Commissioner Christie voting no, granting WILLIAM KENGLE a reconsideration for Vesting Tentative Tract Map 2299 based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B. Adopted
4. HARVEY BILLIG / S980005T	Hearing to consider a request by HARVEY BILLIG for a third time extension for Development Plan for the construction of an 110,551 square foot, 192 bed medical facility. The project will result in the disturbance of approximately 4.9 acres. The proposed project is within the Office and Professional land use category and is located on Las Tablas Road, directly across from Twin Cities Hospital, one-half mile west of Highway 101. The site is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental

	Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted. County File No: D010021D. Assessor Parcel Number: 040-280-056, Supervisorial District: 1, Date Accepted: August 15, 2006.
Holly Phipps, staff	Presents staff report.
Chairman Roos	Requests clarification requirement of conditions for having a mixed use project.
Karen Nall, staff	Clarifies conditions regarding size of project.
Chuck Stevenson, staff	Clarifies general plan provisions of mixed used project.
Commissioner Christie	Discusses drainage ditches, wetlands, and suggests tributaries be characterized as valuable assets. Discusses her concerns for relocating a creek bed.
Karen Nall, staff	States project was not re-evaluated from the start.
Chairman Roos	States his historical involvement with project and his satisfaction with relocation.
Harvey Billig, applicant	Discusses projects length in process, drainage, and support of project, size of facility,
Commissioner Christie	Requests outline for nature of restoration of wetlands facilities
Charlie Englehart, architect, Commissioners , and Harvey Billig	Discusses Army Corps of Engineers requirements for mitigation and/or restoration of the wetlands.
Commissioner Rappa and Harvey Billig	Requests clarification on when the financing will be available to complete the project with Mr. Billig clarifying various types and requirements of funding.
MOTION	Thereafter on motion by Commissioner Rappa. seconded by Commissioner

	Gibson, and unanimously carried, granting HARVEY BILLIG a third time extension, based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B. Adopted.
5. WESTPAC INVESTMENT S / SUB2004-00001	<p>This being the time set for a continued hearing to consider a request by WESTPAC INVESTMENTS for a Vesting Tentative Tract Map (Tract 2659) and Conditional Use Permit to subdivide an existing 41.6-acre parcel into 74 parcels to be phased in 3 stages. 66 parcels are proposed for residential development that vary in size from 4,019 square feet to 7,637 square feet; 3 parcels are proposed for mixed use and live/work development of 16,721, 18,757, and 98,726 square feet each; 3 parcels are proposed for commercial development of 99,404, 128,350, and 197,072 square feet each; and 2 parcels are proposed for use as recreation and open space at 39,675 square feet and 8.28 acres each. The proposal also includes the development of 89 commercial and residential buildings totaling 420,052 square feet in size including: 2 commercial retail buildings totaling 30,000 square feet, 5 mixed-use buildings totaling 23,500 square feet of commercial space and 62,000 square feet of residential space, 8 live/work buildings totaling 10,044 square feet of commercial space and 42,138 square feet of residential space, 13 mini-storage buildings totaling 67,600 square feet of storage space and 5,000 square feet of office space, 2 drive-through restaurants totaling 7,200 square feet, 1 sit-down restaurant at 7,000 square feet, 55 single-family residential buildings totaling 113,188 square feet, and 11 multi-family residential buildings totaling 52,382 square feet. The project includes off-site road improvements to both Main Street and Ramada Drive and will create 5 on-site roads. The proposed project is within the Commercial Retail land use category and is located on the east side of Ramada Drive approximately 550 feet north of the intersection with North Main Street and the Highway 101 on-ramp in the community of Templeton. The site is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. Mitigation measures identified for : Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards/Hazardous Materials, Noise, Public Services/Utilities, Recreation, and Transportation/Circulation County File Number: SUB2004-00001. APN: 040-211-009. Supervisorial District: 1. Date accepted: June 17, 2005. Josh Lebombard, Project Manager.</p>
Warren Hoag, staff	Speaking for Josh Lebombard regarding request for continuance.
Chairman Roos	Discusses state law SB220 related to approval of a residential development of 500 units or greater, and water connections.

MOTION	Thereafter on motion by Commissioner Rappa, seconded by Commissioner Mehlschau, and unanimously carried to continue this project off calendar.
MOTION	Thereafter on motion by Commissioner Mehlscha, seconded by Commissioner Gibson, and unanimously carried to accept all correspondence taken in for the record.
ADJOURN	There being no further business to discuss the meeting is adjourned.

Respectfully submitted,
Ramona Hedges, Secretary,
Subdivision Review Board

